

REMARKS

The present application was filed on June 6, 2005, and claims priority to International Application No. PCT/US02/40810, filed December 20, 2002.

The present application was filed with claims 1-25. Claims 1-10 and 15-25 were previously canceled by Applicants. Prior to the present amendment, claims 11-14 were pending, with claim 11 the only pending independent claim.

Claims 11-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0071082 (hereinafter “Basu”) in view of International Patent Application Publication No. WO 01/47181 (hereinafter “Nakagawa”), U.S. Patent No. 7,215,641 (hereinafter “Bechtolsheim”) and U.S. Patent No. 6,401,147 (hereinafter “Sang”).

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nakagawa, Muthukrishnan, Bechtolsheim and Sang in view of U.S. Patent Application Publication No. 2008/0132264 (hereinafter “Krishnamurthy”).

Applicants initially note that claim 11, both as previously presented and as amended herein, is of narrower scope than claims allowed in the corresponding European, Japanese and Canadian applications. See European Patent No. 1573976, issued July 9, 2008; Japanese Patent No. 4225380, issued February 18, 2009; and Canadian Patent No. 2508051, issued June 30, 2009.

In the present Office Action, Applicants have elected to amend claim 11. Applicants are not conceding in this application that this claim is not patentable over the art cited by the Examiner, as the present claim amendment is only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these claims and/or other claims in one or more continuations and/or divisional patent applications.

Claim 11 has been amended to clarify that each queue has a potential function associated therewith, the potential function of a given queue being a function of the height of the given queue, and wherein packets are routed so as to minimize the sum of the potential functions of the queues of the nodes of the distributed network subject to a constraint based at least in part on respective energy reserves associated with affected nodes and an amount of energy required to move packets between the affected nodes. Support for this amendment may be found in the specification at, for example,

page 12, line 28, to page 13, line 5; page 20, line 15, to page 21, line 7; and page 27, lines 8-12.

It is believed that the cited references fail to teach or suggest the limitations of amended independent claim 11. Dependent claims 12-14 are patentable at least because of their dependency on claim 11. Furthermore, these claims define separately patentable subject matter.

Applicants have also added new dependent claims 26-29, which do not constitute new matter at least by virtue of their respective correspondence to originally-filed claims 8, 6, 9 and 10, respectively. See, e.g., *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985). Applicants have also added new apparatus claims 30-37 and article of manufacture claims 38-45, corresponding to aforementioned method claims 11-14 and 26-29. Support for these newly-added claims may be found in originally-filed claims 15-25 and the specification at, for example, page 5, lines 6-27, and page 7, lines 22-26.

In view of the above, Applicants believe that amended claims 11-14 and 26-45 are in condition for allowance, and respectfully request withdrawal of the present rejections.

Respectfully submitted,

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